

REMARKS**Claim Status**

Claims 18-38 are pending in the application. This paper amends claims 18, 21, 26, 27, 33, 36, and 38. Claims 18 and 34 are the independent claims of the application.

Definiteness Rejections

Claims 18 and 38 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, the Examiner asserted that the limitation of “enabling a user” is vague and indefinite. To advance prosecution of the application, claim 18 now recites “providing a software-based interface configured to enable a user” Claim 38, as amended, recites that the software-based interface is further configured to present to the user. The amendments should obviate the section 112 rejections.

Art Rejections

Claims 18-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gavarini, U.S. Patent Number 7,080,070 (“Gavarini” in this paper) in view of Wells, U.S. Patent Number 6,711,586 (“Wells”). In rejecting the claims, the Office Action acknowledged that Gavarini does not explicitly disclose *searching, during the single search, for all of said plurality of different items on a*

plurality of data sources, but asserted that Wells discloses this step in column 2, lines 6-46. We have perused Wells, and respectfully submit that Wells does not disclose or suggest the step in issue, either in the cited column 2 or elsewhere.

First, the items recited in the independent claim 18 have been selectively designated by the user. In contrast, Wells's "selections" are not selected by the user:

Initially, the primary information selection and the association information selections may be selected randomly from the database. Alternatively, the selections 210, 215a-f may be obtained from a subset of the database relating to a particular subject or topic. Preferably, however, the first associated selections are selected to have a range of different association levels with respect to the first primary selection such that the user is presented with selections relating to different types of information.

Wells, col. 11, lines 50-59. Note also that Wells expressly defines *selections* thus:

The term selections is used to indicate that the information is represented on Web page 100 by a selectable button as described above. Additionally, unless it is specified otherwise, the term selections is meant to comprise both the primary selection and associated selections of a Web page of the present invention.

Wells, col. 6, lines 3-8. Thus, Wells's selections are not selections of the user, but rather selections from which the user is allowed or enabled to select.

Second, in explaining Wells, the Office Action asserted that "multiple web pages can be construed as multiple data sources." There is no basis for such construction. A web page is generally understood as a document on the World Wide Web consisting of an HTML file, with associated files for graphics and scripts, in a particular directory on a particular machine; usually a web page contains links to other web pages. *See, e.g.,* MICROSOFT COMPUTER DICTIONARY 564 (Microsoft Press, 5th ed., 2002). The actual source of the information on Wells's web pages is a database, as Wells states in column 11, lines 50-59, quoted in the immediately preceding paragraph.

Wells apparently does not describe more than one database used as such source. Note also that in accordance with dependent claim 21, two of the data sources are associated with different websites. (Support for this limitation may be found, for example, in the specification, at page 3, lines 2-5.) Wells's pages appear to come from the same website.

Third, Wells does not disclose a single search for all the selected items. Wells describes, *inter alia*, a plurality of iterative searches based on a user's expressed level of interest in an item. *See, e.g.*, Wells, the Abstract. If a search produces a selection of particular interest to the user (termed a *terminal selection*), the user can rent or buy the selection, but apparently only one selection at a time. Here is how the process is described:

In certain cases, one of the initially provided selections may be of particular interest to the user. Such a selection, i.e., one that satisfies a query of the user, is defined as a terminal selection. In general, the Web page is configured to provide the user with further options once a terminal selection has been found. For example, the Web page includes a selectable rental button 120 and a selectable purchase button 125 configured to allow the user to request information regarding, for example, the sale or rental of an item relating to a terminal selection. As before, when a user clicks on rental button 120 or purchase button 125, a request is received by the server to transmit information to client computer 11 related to this request. Thus, the present invention provides a method for the user to purchase or rent any of the selections such as, for example, the movie HALLOWEEN 110e.

Wells, col. 6, lines 25-40. In this quoted paragraph Wells speaks of one of the initially provided selections, which the user can purchase by clicking on the purchase button 125.

In relation to the last argument, note that dependent claim 33, as amended, recites a step of placing a single order for all of the plurality of different items to be purchased, at corresponding data sources, selected and approved by the user. Dependent claim 36 recites a similar step. Thus, at least

these dependent claims require placing a single order for multiple items, unlike Wells's apparent method of placing orders for one item at a time.

Turning next to the motivation to combine Gavarini and Wells, the Office Action conclusively asserts that the motivation to combine would have been "in order to create a more efficient searching system for combining searches." It appears that this statement was derived from Applicant's disclosure. See, for example, specification, page 1, line 14, through page 2, line 3. Motivation for combining, however, may not be taken from Applicant's disclosure. MPEP § 2143 (citing *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991)).

With respect to the rejection of dependent claim 28, we are not aware of the step of *searching certain data sources of the plurality of data sources in a prioritized order specified by the user* being common and well known, particularly at the time of the invention. If the rejection is repeated, Applicant respectfully requests that a reference disclosing these limitations be provided.

In rejecting dependent claim 38, the Office Action asserted that this claim is parallel with claim 27 and is rejected for the same reasons. Dependent claim 38 recited presenting to the user a list of items required for a project specified by the user; this limitation is and was absent from dependent claim 27. The Office Action does not state where in the art this and other limitations of claim 38 can be found.

Applicant respectfully submits that claims 18, 21, 28, 33, 34, 36, and 38, as amended, are patentable at least for the above reasons. Remaining dependent claims should be patentable at least for the same reasons as apply to their respective base claims and intervening claims, if any.

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CONCLUSION

For the foregoing reasons, Applicant respectfully submits that all pending claims are patentable. To discuss any matter pertaining to the present application, the Examiner is invited to call the undersigned attorney at (858) 720-9431.

Having made an effort to bring the application in condition for allowance, a timely notice to this effect is earnestly solicited.

Respectfully submitted,

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